

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GERMAINE SANDERS,

Plaintiff,

v.

DR. NEUBARTH, M.D., et al.,

Defendants.

CASE NO. CV-F-05-0076 REC SMS P

ORDER FINDING SERVICE OF AMENDED
COMPLAINT APPROPRIATE, AND
FORWARDING SERVICE DOCUMENTS TO
PLAINTIFF FOR COMPLETION AND
RETURN TO COURT

(Doc. 11)

Plaintiff Germaine Sanders ("plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on January 19, 2005. The court has screened plaintiff's amended complaint pursuant to 28 U.S.C. § 1915A and finds that it states a cognizable claim for relief under 42 U.S.C. § 1983 against defendants Neubarth and Kim for acting with deliberate indifference to plaintiff's serious medical needs, in violation of the Eighth Amendment. Fed. R. Civ. P. 8(a); Swierkiewicz v. Sorema N. A., 534 U.S. 506, 512-15 (2002); Austin v. Terhune, 367 F.3d 1167, 1171 (9th Cir. 2004); Jackson v. Carey, 353 F.3d 750, 754 (9th Cir. 2003); Galbraith v. County of Santa Clara, 307 F.3d 1119, 1125-26 (9th Cir. 2002). Accordingly, it is HEREBY ORDERED that:

1. Service is appropriate for the following defendants:

DR. NEUBARTH

DR. KIM

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2. The Clerk of the Court shall send plaintiff two (2) USM-285 forms, two (2) summonses, a Notice of Submission of Documents form, an instruction sheet and a copy of the amended complaint filed May 2, 2005.
3. Within **thirty (30) days** from the date of this order, plaintiff shall complete the attached Notice of Submission of Documents and submit the completed Notice to the court with the following documents:
 - a. Completed summons;
 - b. One completed USM-285 form for each defendant listed above; and
 - c. Three (3) copies of the endorsed amended complaint filed May 2, 2005.
4. Plaintiff need not attempt service on defendants and need not request waiver of service. Upon receipt of the above-described documents, the court will direct the United States Marshal to serve the above-named defendants pursuant to Federal Rule of Civil Procedure 4 without payment of costs.
5. The failure to comply with this order will result in a recommendation that this action be dismissed.

IT IS SO ORDERED.

Dated: November 9, 2005
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/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE